

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)
)
) Case No. 3:17-00124-3
v.) Waverly Crenshaw
) Chief U.S. District Court Judge
)
BRANDON HARDISON.)

MOTION TO EXCLUDE AUTOPSY PHOTOGRAPHS

Comes now the accused, Brandon Hardison, by and through his attorneys, Luke Evans and Paul Bruno, pursuant to Rule 403 of the *Federal Rules of Evidence*, and moves this honorable Court to exclude certain autopsy photographs. In support thereof, the accused would state as follows:

1. The government has given notice they intend to call Dr. Bridget Eutenier to testify as part of their case in chief. Dr. Eutenier conducted the autopsies of Derrick Sherden and Amanda Weyand. The government intends to introduce several photographs that were taken during the autopsies.

2. The parties previously met face-to-face and reviewed the autopsy photographs in an effort to reach an accord as to which photographs would be admitted. As a result of that meeting, the parties were able to reach an agreement on most of the photographs. Those photographs are identified below by their exhibit number. The photographs where no agreement could be reached are also identified below by their exhibit number.

3. As to Derrick Sherden, the government intends to admit the following exhibits: 1373; 1376; 1377; 1380; 1382; 1385; 1390; 1392; and 1393. The Defendant

objects to Exhibits 1373 and 1377.

4. As to Amanda Weyand, the government intends to admit the following exhibits: 1437; 1440; 1442; 1447; 1452; 1456; 1462; 1466; and 1469. The Defendant objects to 1437 and 1442.

5. Rule 403 provides that otherwise relevant evidence may be excluded if "its probative value is substantially outweighed by the danger of *unfair* prejudice, . . . or needless presentation of cumulative evidence." Fed. R. Evid. 403. The photographs at issue should be excluded as their probative value is substantially outweighed by the danger of unfair prejudice. Moreover, upon consideration of all of the other photographic evidence admitted from the crime scene as well as all the other autopsy photos that the parties agree are not objectionable, the photographs at issue would be cumulative. Therefore, exhibits 1373, 1377, 1437 and 1442 should be excluded.

WHEREFORE, PREMISES CONSIDERED, the accused, through counsel, moves this honorable Court for the relief as stated herein, as well as any further general relief that this Court deems both necessary and proper.

Respectfully submitted,

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/s/ Luke A. Evans

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion has been sent via electronic filing on this the 22nd day of October 2021, to the following:

Ben Schrader
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/s/ Luke A. Evans
LUKE A. EVANS